

REMARKS

Applicants thank Examiner Stockton for the courtesy of a telephone conference on July 29, 2009 with Applicants' representative, Andrew K. Holmes. During the conference, the Examiner suggested amendments for placing claims 1-4, 26, 30, and 31 in condition for allowance.

This Amendment replaces an Amendment submitted June 23, 2009, which was not entered into the record, because the claims submitted therein were not in condition for allowance. Additionally, this Amendment reflects the Examiner's suggestions made during the July 29th conference, all of which have been incorporated herein. This Amendment also addresses the Examiner's comments in the Notice of Non-Compliant Amendment mailed July 16, 2009.

I. Status of the claims

Upon entry of this Amendment, claims 1-4, 26, 30 and 31 are pending. Claims 1-4, 26 and 31 have been amended to correct formal errors noted by the Examiner. No new matter has been added by these amendments.

Claims 14, 24 and 25 were previously canceled. Claims 5-13, 15-23 and 27, previously withdrawn as being drawn to non-elected subject matter, are canceled herein. Applicants specifically reserve the right to pursue all deleted subject matter in one or more divisional and/or continuation application(s).

Applicants gratefully acknowledge that the current Final Office Action contains a statement by the Examiner that “[c]laims 1-4, 26, 30 and 31 are allowed over the art of record.” *See* Final Office Action mailed on April 24, 2009, pg. 20.

II. Claim Objections

Claim 23 is objected to under 37 CFR 1.75(c) as being in improper form as a multiple dependent claim.

In response, claim 23 has been canceled, and this objection should therefore be withdrawn.

III. Claim Rejections - 35 USC § 101

Claims 7-13 are rejected under 35 U.S.C. § 101 because, according to the Examiner, the claimed invention is directed to nonstatutory subject matter.

In response, without conceding the validity of the Examiner's rejection, claims 7-13 have been canceled without prejudice or disclaimer as to the canceled subject matter. Therefore, Applicants respectfully request that this rejection be withdrawn.

IV. Claim Rejections - 35 USC § 112 (First Paragraph)

Claims 5-10, 12, 13 and 15-17 are rejected under 35 U.S.C. § 112, first paragraph, for alleged lack of enablement of claims directed to treatment of disorders other than anxiety, psychotic depression and excess weight.

In response, without conceding the validity of the Examiner's rejection, claims 5-10, 12, 13 and 15-17 have been canceled without prejudice or disclaimer as to the canceled subject matter. Therefore, the Applicants respectfully request that this rejection be withdrawn.

V. Claim Rejections - 35 USC § 112 (Second Paragraph)

Claims 5-13, 15-23 and 27 are rejected under 35 U.S.C. § 112, second paragraph, for alleged indefiniteness.

In response, without conceding the validity of the Examiner's rejection, claims 5-13, 15-23 and 27 have been canceled without prejudice or disclaimer as to the canceled subject matter. Therefore, Applicants respectfully request that this rejection be withdrawn.

V. Allowable Subject Matter

The current Final Office Action contains a statement by the Examiner that “[c]laims 1-4, 26, 30 and 31 are allowed over the art of record.” *See* Final Office Action mailed on April 24, 2009, pg. 20.

In addition, as stated above, claims 1-4, 26, 30, and 31 have been objected to for formal reasons, as discussed during July 29, 2009 telephone conference with Examiner Stockton. Applicants contend that all of these objections have been overcome by the amendments to claims 1-4, 26, and 31, and respectfully request that the Examiner's objections be withdrawn.

CONCLUSION

Applicants note that upon entry of this Amendment, the allowed claims are the only claims still pending, and respectfully request the Examiner to immediately issue a Notice of Allowance for these claims. If further issues arise and the Examiner believes these issues could be advanced by an interview or entry of an Examiner's Amendment, the Examiner is invited to contact the undersigned attorney.

Dated: August 19, 2009

Respectfully submitted,

By 
Shilpa V. Patel, Ph.D.

Registration No.: 57,983
DARBY & DARBY P.C.
P.O. Box 770
Church Street Station
New York, New York 10008-0770
(212) 527-7700
(212) 527-7701 (Fax)
Attorneys/Agents For Applicant